



Report to the Auburn City Council

Action Item

Agenda Item No.

13

City Manager's Approval

To: Mayor and City Council Members
From: Lance E. Lowe, AICP, Associate Planner
Date: April 8, 2013
Subject: Updated Resolution for Historic Buildings and Places Nomination Process for the Auburn Register of Historic Places.

The Issue

Should the City Council Adopt an Updated Resolution for Nomination of Historical Buildings and Places?

Conclusions and Recommendations

That the Historic Design Review Commission recommends that the City Council take the following actions:

- A. Adopt a Statutory Exemption prepared for the Updated Resolution for Nominating Process for Historical Buildings and Places as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
- B. Adopt an Updated Resolution for Nomination of Historical Buildings and Places to the Auburn Register of Historical Places (**Attachment 1 of Exhibit A – Resolution for Nomination Process for Auburn Register of Historic Buildings & Places**); and,
- C. Adopt a Resolution establishing a fee schedule for the Nomination and/or Rescission of Historical Buildings and Places process, as presented (**Exhibit B**).

Project Description

The Community Development Department has prepared an updated Resolution for Historical Buildings and Places Nomination Process for the Auburn Register of Historic Places. The updated Resolution prescribes the application process; who can nominate historic resources; types of projects that may qualify for the City's Local Register of Historic Places and amendment or rescission of the Auburn Register.

The updated Resolution for Nomination of Historical Buildings and Places serves to supplement Section 159.490 *et. seq.* entitled *Historic Preservation* (**Attachment 2 of Exhibit B – Section 159.490 of the Auburn Municipal Code**).

History

On June 11, 2012 the City Council considered whether or not to submit an application for Certified Local Government (CLG) Status (**Attachment 1 of Exhibit B – City Council Excerpt Minutes dated June 11, 2012**).

After discussion and consideration of the merits of becoming a CLG, the City Council decided not to submit an application to the California Office of Historic Preservation for Certified Local Government Status and opted to continue with the City's Historic Preservation Ordinance as currently practiced (Motion: Kirby/Nesbitt/Approved 4:1 (Councilman Holmes voted no)).

In addition, the City Council directed staff to update the Resolution for Nominating Process for Historical Resources, which was last adopted in 1982 (**Attachment 3 of Exhibit B – Resolution No. 82-198**). The resolution adopted in 1982 stipulates that:

- An owner of real property may apply for historical status designation;
- A public hearing before the City Council is required for historical designation;
- Said building shall be at least 75 years old; and,
- Alternate building regulations (i.e. Historical Building Code) can be applied for the improvement and repair of historical designated buildings.

Background

On March 5, the Historic Design Review Commission made a recommendation of the Updated Resolution for Nomination of Historical Resources (**Attachment A – March 5, 2013 Historic Design Review Commission Minutes** and **Attachment B – Historic Design Review Staff Report dated March 5, 2013**).

After discussion of the item, the Historic Design Review Commission made both policy and edit recommendations on the Resolution as follows (***Bold/Italic*** text represents added text. ~~Strikeout text~~ represents deleted text):

1. **Resolution Title** – To be consistent with the terminology used, the HDRC recommended that the title of the Resolution be named “Nomination Process For Auburn Register of Historic **Buildings and Places Resources**”
2. ~~Resources~~ was replaced with **Buildings and Places** throughout.
3. **Section 1 Purpose** – Was revised as follows: The City of Auburn recognizes the importance of historically significant resources and hereby establishes the following guidelines, procedures, and criteria ~~by which a property owner shall have the right to file an application to declare their property as having special historical significance to the City of Auburn and to designate the property on the Auburn Register of~~ **Historic Buildings and Places Resources**.
4. **Section 2 (A) Application** – Historic Design Review Commission recommended at a 5:2 vote that the application submittal should be limited to the property owner vs. permitting

anyone to submit an application (Ayes: Luebkmann, Willick, Briggs, Green & Spokely; Noes: Combs and Kratzer-Yue; Absent: Vitas & Worthington) (See discussion below and in HDRC Staff Report – Attachment B).

5. **Section 3 Application Information** – Added subsection: (2) ii. **Submit current and historical photographs of the resource;**
6. **Section 4 Criteria for Historic Resource Designation** – Separated “Significance” and “Historical Integrity” criteria into separate subsections.
7. **Section 5 (2) (A)** “Retains aspects of integrity such as: location, design, setting, materials, workmanship, **feelings**, or association”.
8. **Application Fees** – The Historic Design Review Commission recommended that applications for historic designation should not be charged an application fee. The HDRC also recommended a Rescission as provided in Section 5 (B) should be charged a fee for Rescission applications.

Analysis

As directed by the City Council on June 11, 2012, the attached Resolution for Nomination of Historical Buildings and Places, as amended by the Historic Design Review Commission on March 5, 2013, provides an updated process for Nomination of Historical Buildings and Places to Auburn’s Register of Historic Places.

As noted in the March 5, 2013, Historic Design Review Commission staff report, the updated Resolution for Nomination of Historical Buildings and Places serves to supplement Section 159.490 et. seq. (*Historic Preservation*).

The updated Resolution also satisfies Historic Design Review Commission Powers and Duties contained in Sections 159.496 (A)(3) & 159.496 (A)(8).

Upon making six (6) edits outline above and recommending two (2) policy decisions noted below (who can submit an application for historic designation and fees for an application), the Historic Design Review Commission recommended that the City Council take the actions provided in this City Council staff report.

1. Who Can Submit an Application to Nominate a Historic Resource?

One of the more contentious issues regarding Nomination of Historical Resources is who can submit an application to nominate a historical resource? Property owner; Public; Historical Organization; Historic Design Review Commission; or, City Council? And can the nominating individual/party nominate the historic resource over the objections of the property owner?

In review of several Historic Preservation Ordinances, many of the ordinances reviewed by the Community Development Department permit anyone to submit an application for historic designation with a provision that lets a property owner to “opt out” from consideration. That

is, an owner may request that their property not be considered for historic designation by providing correspondence to the recommending and/or decision making body at, or prior to, a noticed public hearing.

Consistent with the existing Resolution No. 82-198, the draft Resolution requires the property owner's authorization to submit an application to the Historic Design Review Commission. The Historic Design Review Commission agreed and recommended that the draft Resolution include provisions that authorized only the property owner to submit an application for designation. Should the City Council decide to allow other parties/interested persons to submit an application, staff recommends that the City Council direct staff to bring back the Resolution for further consideration as other Sections, including but not limited to, Private Owner Objection provisions will need to be added to the Resolution.

2. What fees should be charged for an application?

In an effort to encourage applicants to designate their property, the HDRC recommended that applications be processed at no charge. Additionally, the Historic Design Review Commission recommended that Rescission applications be charged a fee. If the Council decides to charge a fee for a Rescission application, staff recommends the fee be "at cost" with a \$500.00 deposit (**Exhibit B – Resolution Adopting a Fee for Nomination/Rescission**). Another option for a fee would be a fixed fee of \$741.00. Staff analyzed the process and time incurred for either a Nomination or Rescission application and both resulted in a fee of \$741.00.

Alternatives Available; Implications of Alternatives

- A. Adopt Resolution for updated Nomination Process for Auburn Register of Historic Buildings and Places as presented; or,
- B. Adopt Resolution for updated fee schedule for Nomination/Rescission Process for Auburn Register of Historic Buildings and Places as presented; or,
- C. Provide further direction to staff.

Fiscal Impact(s)

There will be additional costs associated with staff time to process applications for Historic Designation.

Fees for Rescission are proposed to be collected at cost. A deposit will be required to cover the costs of Rescissions applications.

Additional Information

Please see the following attachments for more details:

EXHIBITS

- A – Resolution Updating the Nomination Process for Auburn Register of Historic Buildings and Places with **Attachment 1 – *Nomination Process for Auburn Register of Historic Buildings and Places***
- B – Resolution Adopting a Fee for Nominating Process for Auburn Register of Historic Buildings and Places

ATTACHMENTS

- A. Historic Design Review Commission Excerpt Minutes dated March 5, 2013
- B. Historic Design Review Staff Report dated March 5, 2013 with Attachments and Exhibits:

Attachment 1 – City Council Excerpt Minutes dated June 11, 2012

Attachment 2 – Section 159.490 of the Auburn Municipal Code Entitled Historic Preservation

Attachment 3 – City of Auburn Resolution No. 82-198

Attachment 4 – Auburn Register of Historic Places dated April 23, 2012

Exhibit A – HDRC Resolution No. 13 – with Attachment 1 – Updated Resolution for Nomination of Historical Resources

EXHIBITS

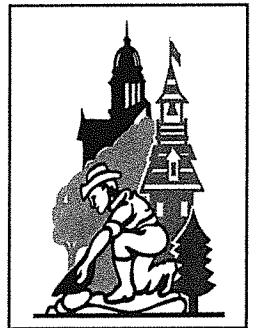


EXHIBIT A

RESOLUTION NO. 13-_____

A RESOLUTION UPDATING THE NOMINATION PROCESS FOR AUBURN REGISTER OF HISTORIC BUILDINGS AND PLACES

WHEREAS, on June 11, 2012, the City Council directed staff to update the Resolution for Nominating Process for Historical Buildings and Places; and

WHEREAS, on March 5, 2013, the Historic Design Review Commission (HDRC) recommended that the City Council adopt the Resolution as amended by the Historic Design Review Commission, attached herewith as **Attachment 1** and incorporated herein by reference.

WHEREAS, on April 8, 2013, the City Council considered the recommendations of the Historic Design Review Commission (HDRC) and received public testimony on the updated Resolution for Nominating Process for Auburn Register of Historic Buildings and Places.

WHEREAS, on April 8, 2013, the City Council adopted the updated Resolution for Nominating Process for Auburn Register of Historic Buildings and Places, as amended by the Historic Design Review Commission.

1 NOW THEREFORE BE IT RESOLVED by the City Council of the City of Auburn:

2
3 The City Council of the City of Auburn hereby adopts the updated
4 Resolution for Nomination Process for Auburn Register of Historic Buildings and
5 Places.

6 DATED: April 8, 2013
7
8

9
10 _____
Kevin Hanley, Mayor

11 ATTEST:
12
13

14 _____
Stephanie L. Snyder, City Clerk
15
16

17 I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify
18 that the foregoing resolution was duly passed at a regular meeting of the City
19 of Auburn held on April 8, 2013 by the following vote on roll call:

20 Ayes:

21 Noes:

22 Absent:
23
24

25 _____
Stephanie L. Snyder, City Clerk
26
27
28

ATTACHMENT 1

NOMINATION PROCESS FOR AUBURN REGISTER OF HISTORIC BUILDINGS AND PLACES

- Section 1** **Purpose**
- Section 2** **Designation Process**
- Section 3** **Application Information**
- Section 4** **Criteria for Historic Resource Designation**
- Section 5** **Procedures to Amend or Rescind Designation of a Historic Resource**

Section 1 **Purpose.**

The City of Auburn recognizes the importance of historically significant resources and hereby establishes the following guidelines, procedures, and criteria to declare property as having special historical significance to the City of Auburn and to designate the property on the Auburn Register of Historic Buildings and Places.

Section 2 **Designation Process.**

The following process will be used to review and designate historic buildings and places:

- (A) *Application.* A request to designate a property for the Auburn Register may be initiated by the owner of the property upon submittal of a complete application pursuant to Section 3 below.
- (B) *Stay of Work.* While an application is being considered by the City, no work shall be conducted that would require Historic Design Review Commission approval in accordance with Section 159.497(C)(1).
- (C) *Review by Community Development Department.* Upon submittal of a complete application, the Community Development Department shall review an application against the guidelines and criteria of this resolution.
- (D) *HDRC Review.* The Historic Design Review Commission shall hold a public hearing to review and recommend approval of, in whole or in part, or disapproval of the application for designation in writing to the City Council, setting forth the reasons for the decision. Public Notice for the hearing shall be provided pursuant to Section 2(H) below.
- (E) *City Council Review and Action.* After receiving the Historic Design Review Commission's recommendations, the City Council shall review the request for designation and may pass a resolution to approve the recommendations in whole

ATTACHMENT 1

or in part, or may by motion disapprove them in their entirety. Public Notice for the hearing shall be provided pursuant to Section 2(H) below. The City Council's decision shall be provided to the applicant in writing.

- (F) *Add to Register.* Properties designated by the City Council shall be added to the Auburn Register of Historic Building and Places by the Community Development Department. The Register shall clearly identify the designated historical resource category applied to the property.
- (G) *Recording Requirements.* All historic designations in the City of Auburn shall be officially recorded with the property deeds at the Placer County Recorder's Office. The recorded information on the property deed shall state:

"The property identified as (insert street name and address) also identified as Assessor's Parcel No. (Insert APN) was designated as a (insert designation category – Historic Building; Point of Historic Interest; Historic Land Site) by the City of Auburn City Council on (insert month, day and year). As a designated historic property in the City of Auburn, this property is subject to the rules and regulations set forth in the Historic Preservation Ordinance identified as Section 159.490 et. seq. of the Auburn Municipal Code.

- (H) *Notice of Public Hearing.* Notice of date, place, time, and purpose of hearing shall be provided in accordance with Section 159.460 et. seq., excepting that notice shall be provided to persons owning property within 100 feet of the affected property. Failure to receive notice of such hearing shall in no way effect the validity of the action taken.

Section 3 Application Information.

An application for historic designation of property shall include the following information:

- (A) A completed application form as provided by the Community Development Department.
- (B) Such additional information, as specified on forms provided by the Department, that an informed decision can be rendered using the criteria established by this resolution. The application information shall include, but not be limited to the following:
 - 1. An adequately developed historic context, including identified property type according to the Guidelines for Preservation Planning in the Secretary of the

ATTACHMENT 1

Interior's Standards and Guidelines for the Treatment of Historic Properties.

2. Sufficient information about the appearance, condition and associative values of the property to be evaluated to:

- i. Accurately locate the property;
- ii. Submit current and historical photographs of the resource;
- iii. Classify it as to historic resource type (e.g. Historic Building; Point of Historic Interest; Historic Land Site);
- iv. Compare its features or characteristics with those expected for its historic type;
- v. Define the physical extent of the historic resource;
- vi. Describe the pertinent and significant historical contexts of the historic resource;
- vii. Assess the integrity of the historic resource relative to that needed to represent the context; and,
- viii. Additional information as determined necessary by the City of Auburn.

Section 4 Criteria for Historic Resource Designation.

A historic resource may be designated on the Auburn Register if the resource meets any one of the following criteria of significance within a given historic context and retains its historical integrity.

1. Significance Criteria:

- (A) Associated with events that made a significant contribution to the broad patterns of Auburn's History.
- (B) Associated with the lives of persons significant in Auburn's past.
- (C) Embodies the distinctive characteristics of a type, period, or method of construction; or that represents the work of a master; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction.
- (D) Has yielded, or may be likely to yield, information important to Auburn's history or prehistory.

2. Historical Integrity Criteria:

- (A) Retains aspects of integrity such as: location, design, setting, materials, workmanship, feelings or association.
- (B) Achieved significance within the past 50 years if it is of exceptional importance.

Section 5 Procedures to Amend or Rescind Designation of a Historic Resource.

ATTACHMENT 1

(A) *Grounds for Amendment or Rescission.* Historic resources may be removed from the Auburn Register of Historic Resources, or have their historic status amended, if any of the following criteria are met:

1. The resource no longer meets the criteria for listing in the Auburn Register because the qualities which caused it to be listed originally have been lost or destroyed.
2. Additional information shows that the property does not meet the Auburn Register criteria for eligibility;
3. Errors in professional judgment as to whether the property meets the criteria for eligibility have occurred;
4. Prejudicial procedural errors in the nomination or listing process have occurred.

(B) *Process to Amendment or Rescission.* Historic resources may be amended or removed from the Auburn Register by the City Council upon recommendation of the Historic Design Review Commission as follows:

1. *Application.* Application to amend or rescind a resource may be initiated by the Community Development Director, Historic Design Review Commission, City Council, or by the owner of the property. An application shall be provided pursuant to Section 3 above.
2. *Application Processing.* An application for amendment or rescission shall be processed as in Section 2, except as modified herein:
 - i. *Stay of Work.* While an application for rescission being considered by the City, no work shall be conducted that would require Historic Design Review Commission approval in accordance with Section 159.497(C)(1).
 - ii. *Amend Register.* Following determination by the City Council to amend or rescind a historic resource, the Community Development Department shall revise the Auburn Register to clearly identify the change of status for the historic resource.
 - iii. *Recording Requirements.* Following determination by the City Council to amend or rescind a historic resource, the Community Development Department shall record the appropriate documentation to change the property notification regarding the status for the historic resource.

EXHIBIT B

RESOLUTION NO. 13-

**RESOLUTION ADOPTING A FEE FOR NOMINATION/RESCISSION PROCESS FOR
AUBURN REGISTER OF HISTORIC BUILDINGS AND PLACES**

THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn does hereby authorizes
Historic Nomination applications be processed at no charge and hereby
establishes an initial deposit of \$500.00 for Rescission applications, which shall
be processed, at cost, for the Auburn Register of Historic Buildings and Places.

DATED: April 8, 2013

Kevin Hanley, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify
that the foregoing resolution was duly passed at a regular meeting of the City
of Auburn held on the 8th day of April, 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

Stephanie L. Snyder, City Clerk

ATTACHMENTS



**MINUTES OF THE
AUBURN CITY HISTORIC DESIGN REVIEW COMMISSION MEETING
March 5, 2013**

The regular session of the Auburn City Historic Design Review Commission meeting was called to order on March 5, 2013 at 6:00 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Briggs, Combs, Green, Luebke, Kratzer-Yue, Willick, Spokely

COMMISSIONERS ABSENT: Worthington, Vitas

STAFF PRESENT: Will Wong, Community Development Director
Reg Murray, Senior Planner
Lance E. Lowe, AICP, Associate Planner

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

Approved February 19, 2013 as presented.

IV. PUBLIC COMMENT

None

V. COMMISSION BUSINESS

A. Historic Resource Nomination Process for the Auburn Register

Planner Lowe provided an overview of the background and updated Resolution Process for the Auburn Register.

Planner Lowe noted that the updated Resolution worked in conjunction with the City's Preservation Ordinance and does not amend or supersede any provisions of the City's Code. Planner Lowe concluded his presentation with describing the provisions of the Resolution.

Planner Lowe also noted that staff is recommending that an application be charged at no fee in order to promote the program.

Commissioner Combs thanked staff and the effort put into the Resolution.

Commissioner Combs asked if the 1982 Resolution was the only document relating to the Auburn Register. Commissioner Combs questioned, by what instrument, the Auburn Register was created.

Planner Lowe noted that the Auburn Register is referred to in the City's Historic Preservation Ordinance. Resolutions were adopted by the City Council assigning buildings to the Auburn Register since 1977.

Director Wong noted that the adopted Resolutions assigned buildings to the Auburn Register as either: 1) Historic Buildings; 2) Points of Historic Interest; or, Historic Land Sites. The adopted Resolutions make up the Auburn Register of Historic Places.

Planner Lowe noted that according to the Historic Preservation Ordinance, a Historic Resource is defined more broadly to account for the various types of resources that may be designed.

Commissioner Combs asked about the Statutory Exemption prepared for the project.

Planner Lowe replied that every discretionary action considered by the City may be subject to the California Environmental Quality Act (CEQA). CEQA requires that the environmental consequences of a discretionary action be considered. In this case, staff has determined that the project is Statutorily Exempt meaning that staff has determined with certainty that the action will not have any negative environmental ramifications.

Commissioner Kratzer-Yue asked for clarification on the draft Resolution.

Director Wong clarified what the Resolution attempts to accomplish; a consistent method to nominate historic resources.

Commissioner Combs commented that the Resolution and Auburn Register of Historic Places should be consistent on how resources are identified.

Commissioner Combs asked if, in staff's research, did any of the ordinances allow only the property owner to designate property?

Planner Lowe replied that he did not recall if any of the ordinances only allowed the property owner to designate property.

In drafting the Resolution, staff followed the same provisions contained in the 1982 Resolution that allowed only the property owner to designate property.

Commissioner Luebkenman asked about the properties located outside of the Historical Design Review Districts. If properties were located outside of the Historical Design Review District, what body would review the property?

Planner Lowe replied that per the City's Historic Preservation Ordinance, the Historical Design Review Commission would review the project.

Commissioner Luebkenman asked about the 50 year time limit regarding historical resources in Section 4 of the resolution.

Planner Lowe replied that generally properties 50 years or older are generally apt to be historic in nature and could be nominated if the historic resource was maintained. However, that does not mean that properties are automatically historic. Also, a resource may be significant if it is less than 50 years old, but maintains certain historic aspects which may be significant.

Commissioner Combs clarified the 50 year requirement in Section 4 of the draft resolution and recommends that a period of significance should be included considering the context of the period.

Commissioner Combs also noted that Section 3 should be further clarified and terms "Significance" and "Integrity" should be further clarified and defined.

Commissioner Combs asked about the Purpose Statement in Section 1 that the property owner shall have a right to submit an application. The purpose statement should focus on the historic resource and not the applicant. Accordingly, Section 1 should be reworded to remove the property owner and application language.

Commissioner Combs also asked about any appeal processes that an applicant may have.

Planner Lowe replied that the Historic Design Review Commission is the recommending body to the City Council. Considering that the City Council is the final decision making body on all historical resource designations, no appeal process is necessary. Should the Historic Design Review Commission make a recommendation of approval or denial, then that approval will be presented before the City Council as recommended.

Commissioner Combs inquired about the intent of the deed notice provisions of the resolution.

Planner Lowe replied that the deed notice serves to notice the property owners that they will be subject to the City's Historic Design Review provisions. Additionally, should a property owner make alterations requiring Historic Design Review

Commission approval, the Community Development Department will have greater enforceability of the City's provisions if a deed notice is recorded.

Director Wong noted that the draft resolution fulfills Powers and Duties sections of the Historic Preservation Ordinance.

Commissioner Kratzer-Yue had questions regarding the criteria for historic designation.

Director Wong noted that the draft resolution is an update of the nomination process as directed by the City Council. Currently, the nomination process has been last adopted in 1982. The updated resolution also fulfills Powers and Duties of the City's Historic Preservation Ordinance.

Commissioner Willick noted that there is value in having a resolution that is more broad than one that is very specific.

Commissioner Willick noted that he liked the approach that limited the application submittal to the property owner.

Chairman Spokely commented that he also agreed with limiting the application submittal process to the property owner.

Chairman Spokely opened the discussion to public comment.

Michael Otten, President of the Placer County Historical Society addressed the Commission.

Mr. Otten wanted clarification as to the application process. Is there an application process currently?

Planner Lowe replied that an application through the Community Development in accordance with the current resolution would be required. The Community Development Department has a generic application that would be used.

Mr. Otten recommended that the City take a look at the City of Glendale's application and submitted an example to the Historic Design Review Commission.

Mr. Otten has reviewed the resolution and believes that the resolution should be more broad considering Auburn's diverse historic resources.

Mr. Otten recommended that the Community Development Department develop a specific application for the designation of historic resources.

Mr. Otten noted that the nomination process seemed to need additional work. Mr. Otten believed that anyone should be able to submit an application for a historic resource besides the property owner.

Chairman Spokely closed the public comment period.

Chairman Spokely thought it best to go over the proposed text changes proposed by Commissioner Combs.

Planner Lowe outlined the changes proposed by Commissioner Combs starting with the Purpose Statement in Section 1.

Director Wong reworded the Purpose Statement in Section 1 as follows:

"The City of Auburn recognizes the importance of historically significant resources and hereby establishes the following guidelines, procedures, and criteria to declare property as having special historical significance to the City of Auburn and to designate the property on the Auburn Register of Historic Buildings and Places."

Planner Lowe discussed Section 2 that limits the application to the property owner. The Historic Design Review Commission may want to get consensus on this one issue.

Commissioner Combs noted that in order to protect and preserve a historic resource, any interested party should be able to submit an application. Perhaps, there should be two different categories of designation: 1 category would be to identify properties that could be eligible for nomination or which have historic value and the 2nd category would be those properties that were officially on the City's Historic Registry.

Director Wong noted that the draft resolution for nominating of historical resources is under consideration by the Historic Design Review Commission. If there is a desire to create a separate list of eligible properties in the City, anyone can put a list together identifying historical resources, but that should be done apart from consideration of the resolution that the City Council will consider.

Commissioner Combs asked if any of the historic resources are currently outside of the Historic District?

Director Wong noted that all of the designated historic resources on the City Registry are within the Historic District. If a historic resource is designated, it will be subject to the City's Historic Preservation Ordinance, which includes Historic Design Review Commission review and approval.

Chairman Spokely noted that in his opinion, applications for historic designation should be the decision of the property owner.

Commissioner Combs noted that she was not very comfortable with the current version of the resolution. Commissioner Combs noted that she had a number of questions and possible edits that should be considered.

Chairman Spokely noted that the possible edits should be discussed and a consensus should be reached on the policy issues so the Commission could determine whether or not this item should come back for review.

Commissioner Combs noted that many of the historic preservation ordinances she is familiar with lets anyone nominate a historic resource and allows the property owner to opt out if they so choose.

Commissioner Combs noted other edits for Historic Design Review Commission consideration.

Planner Lowe outlined the following recommended changes as recommended by Commissioner Combs:

1. Resolution Title should be changed from Historic Resources to Buildings & Places
2. Section 3 – Applicants should submit current and historical photographs;
3. Section 4 – The Significance and Historical Integrity sections should be separated from one another.
4. Section 4 – “Feelings” should be added to aspects of Integrity.

The HDRC agreed with the proposed changes presented by Commissioner Combs.

Planner Lowe noted that the policy question of who can nominate a historic resource was still outstanding.

Commissioner Willick recommended that only an applicant should be able to submit an application.

Chairman Spokely agreed with Commissioner Willick and polled the commission on who can submit an application for nomination.

AYES: Luebkehan, Willick, Briggs, Green, & Spokely
NOES: Combs & Kratzer-Yue

ABSTAIN: None
ABSENT: Worthington & Vitas

The motion was **APPROVED**.

Planner Lowe noted that the last outstanding policy issue was the question of fees. Staff is proposing that applications be submitted at no cost. Alternatively, an application fee of \$33.00, which is the same as Historic Design Review applications could be considered. Thirdly, at cost applications could be considered; however, staff will have to qualify the application fees for at cost applications.

Director Wong recommended that applications be considered at no cost but that rescission should pay an at cost fee. Staff will be required to qualify the at cost fee for a rescission.

The Historic Design Review Commission recommended that applications be charged at no fee with an at cost rescission fee.

Director Wong noted that the edits proposed are not substantial and questioned whether or not the Historic Design Review Commission wanted to see the revised text in two weeks or does the commission feel comfortable with the resolution moving forward to the City Council with the proposed changes?

Commissioner Luebkehan recommended that he would like to see this move forward with the edits.

Commissioner Luebkehan **MOVED** to Approve Resolution 13-3 as amended by the Historic Design Review Commission.

Commissioner Briggs **SECONDED** the motion.

AYES: Luebkehan, Willick, Briggs, Green, & Spokely
NOES: Combs & Kratzer-Yue
ABSTAIN: None
ABSENT: Worthington & Vitas

The motion was **APPROVED**.

B. Commission Powers and Duties (AMC §159.496).

Planner Murray presented the Commission Powers and Duties discussion and provided an overview of the past actions by the Historic Design Review Commission.

Chairman Spokely noted that this was a discussion that the HDRC started some months ago and that sub-committees were created.

Commissioner Luebkehan inquired about the powers and duties list 1 through 10 and wanted to know what the Commission's preference was to each of the powers and duties.

Planner Murray noted that each Commissioner routinely reviews Historic Design Review applications, but has additional powers and duties which the HDRC may want undertake.

Commissioner Combs noted that she appreciates the discussion and notes that the HDRC powers and duties are more than reviewing Historic Design Review applications.

Commissioner Luebkehan asked about the intent about forming sub-committee or ad-hoc committees?

Chairman Spokely noted that it was his recommendation to form smaller groups so that each of the powers and duties could be more thoroughly explored.

Commissioner Green asked if number five was in the form of a design guideline?

Director Wong noted that when the City's streetscape was completed, the Historic Design Review Commission directed staff to provide streetscape design information to perspective applicants so that their proposals could be consistent, where applicable.

Chairman Spokely asked the commissioners which sub-committees they would like to join?

Planner Murray noted that staff provided a matrix in the staff report outlining the sub-committees that are being contemplated and interest by the HDRC.

Chairman Spokely noted that in moving this forward, he envisioned that each of the commissioner's would join a sub-committee to further explore the HDRC powers and duties.

Chairman Spokely recommended that commissioners send an e-mail to staff notifying them of sub-committees that they have interest in joining.

Chairman Spokely noted that two Planning Commissioners are absent so would like to continue this discussion to the next Historic Design Review Commission meeting.

The HDRC meeting was continued to the March 19th HDRC meeting.

VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

A. City Council Meetings

None

B. Future Historic Design Review Commission Meetings

Director Wong noted that the Historic Design Review Commission may have a meeting on March 19th.

C. Reports

None

VII. HISTORIC DESIGN REVIEW COMMISSION REPORTS

None

VIII. FUTURE HISTORIC DESIGN REVIEW COMMISSION AGENDA ITEMS

None

IX. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Lance E. Lowe, Associate Planner



CITY OF AUBURN

Staff Report

Historic Design Review Commission

Meeting Date: March 5, 2013

Prepared by: Lance E. Lowe, AICP, Associate Planner

ATTACHMENT B

ITEM NO.
V-A

ITEM V-A: **HISTORIC DESIGN REVIEW – HISTORICAL RESOURCE
NOMINATION PROCESS FOR THE AUBURN REGISTER OF
HISTORIC RESOURCES – ADMIN FILE 208.6.**

REQUEST: Historic Design Review Commission Recommendation to the City Council
on an Updated Resolution for Historical Resource Nomination Process for
the Auburn Register of Historic Resources.

RECOMMENDED MOTION (APPROVAL):

That the Historic Design Review Commission take the following actions:

Adopt HDRC Resolution No. 13-3 as presented (**Exhibit A**), or as modified by the Historic
Design Review Commission, recommending that the City Council take the following actions:

1. Adopt a Statutory Exemption, prepared for the Updated Resolution for Nominating Process
for Historical Resources as the appropriate level of environmental review in accordance with
the California Environmental Quality Act (CEQA) and Guidelines; and,
2. Adopt an Updated Resolution for Nomination of Historical Resources to the Auburn Register
as presented in the staff report.

BACKGROUND:

On June 11, 2012, the City Council considered whether or not to submit an application for
Certified Local Government (CLG) Status (**Attachment 1 – City Council Minutes dated June 11,
2012**).

After discussion and consideration of the merits of becoming a CLG, the City Council decided
not to submit an application to the California Office of Historic Preservation for Certified Local
Government Status and opted to continue with the City's Historic Preservation Ordinance as
currently practiced (**Attachment 2 – Section 159.490 of Auburn Municipal Code**).

In addition, the City Council directed staff to update the Resolution for Nominating Process for
Historical Resources, which was adopted in 1982 (**Attachment 3 – Resolution No. 82-198**). The
resolution adopted in 1982 stipulates the following:

- An owner of real property may apply for historical status designation;
- A public hearing before the City Council is required for historical designation;
- Said building shall be at least 75 years old; and,
- Alternate building regulations (i.e. Historical Building Code) can be applied for the
improvement and repair of historical designated buildings.

As a follow up to the City Council's direction, the Community Development Department is seeking a Historic Design Review Commission recommendation on the update of the Resolution for Historical Resource Nomination Process for Auburn Register of Historic Resources. The updated Resolution for Nomination of Historical Resources serves to supplement Section 159.490 (*Historic Preservation*) et. seq. attached herewith as **Attachment 2 – Section 159.490 Historic Preservation**. Note that the proposed Resolution does not supersede or amend any of the noted sections, but works in conjunction with the provisions.

Specifically, Section 159.499 of the Auburn Municipal Code entitled Declaration of Historic Buildings and Places authorizes the Council, by resolution, to establish guidelines for the declaration of historical sites, areas, buildings and structures within the City stated as follows:

§159.499. DECLARATION OF HISTORIC BUILDINGS AND PLACES.

The Council may, by resolution, establish guidelines for the declaration of historical sites, areas, buildings and structures within the city and designate all such locations and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings and Places) to be maintained by the Community Development Department. All sites, areas, buildings or structures on the register shall be subject to the requirements of this chapter (Ord. 04-8, eff. 11-15-2004).

PROJECT DESCRIPTION:

As directed by the City Council, the Community Development Department has prepared an updated Resolution for Historical Resource Nomination Process for the Auburn Register of Historic Resources. The updated Resolution prescribes the application process; who can nominate historic resources; types of projects that may qualify for the City's Local Registry of Historic Resources and amendment or rescission to the Auburn register. Again, it should be noted that the updated Resolution for the Nomination of Historic Resource does not supersede or amend any Sections of 159.490 et. seq. but serves to supplement those sections.

The Resolution also satisfies Historic Design Review Commission Powers and Duties contained in Sections 159.496 (A)(3) & 159.496 (A)(8).

ANALYSIS:

The attached Resolution (**Attachment 1 of Exhibit A**) for Nomination of Historical Resources contains 5 Sections. In preparation of the Resolution, staff offers the following analysis for Historic Design Review Commission consideration:

Section 1 – Provides a Purpose Statement for the Nomination of Historic Resources.

Section 2 – Section 2 specifies the process by which a property owner can achieve historic resource designation.

What qualifies as a Historic Resource is defined in Section 159.492 of the Auburn Municipal Code as follows:

HISTORIC RESOURCE. Buildings, structures, signs, features, sites, places, areas, or other improvements of scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to citizens of the city and designated as such by the City Council pursuant to the provisions of this subchapter.

At least one public hearing will be required at both the Historic Design Review Commission and City Council. While the application is being considered, a Stay of Work, which would require Historic Design Review Commission approval in accordance with Section 159.497 (C)(1) shall not be conducted. Once an application has been approved, the Historic Resource will be added to the Auburn Register of Historic Resources. For properties that are designated, the designated property shall be officially recorded at the County's Recorder's Office as provided in Section 2 (G).

Based upon the above, a historic resource is any improvement that may have scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value. Historic values are further characterized as either of the following types: Historical Buildings, Points of Historical Interest, & Historical Land Sites.

Properties so designated as one of the aforementioned resources shall be subject to Section 159.490 et seq. of the Auburn Municipal Code and be required to obtain a Historic Design Review Permit prior to any improvements. Further, as required of Section 2 (G) of the draft ordinance, the applicant will be required to record a covenant on the property notifying subsequent purchasers of the property that the property will be subject to Section 159.490 of the Auburn Municipal Code. Should the Historic Design Review Commission believe that this provision may be onerous for applicant's desiring to designate their property, the HDRC may recommend to eliminate the recording requirement.

Section 3 – Specifies Information Required of an Application for Historic Designation.

The application information includes the necessary information to assure that the Historic Design Review Commission has the minimum information necessary to adequately make a recommendation to the City Council on a Historic Resource. The more salient discussion issues with an application include:

1. *Who Can Nominate a Historic Resource?*

One of the more contentious issues regarding Nomination of Historical Resources is who can nominate a historical resource? Property owner; Public; Historical Organization; Historical Design Review Commission; or, City Council? And can the nominating individual/party nominate the historic resource over the objections of the property owner?

In review of several Historic Preservation Ordinances, many of the ordinances reviewed by the Community Development Department permit anyone to submit an application for historic designation with a provision that lets a property owner to "opt out" from consideration. That is, an owner may request that their property not be considered for historic designation by providing correspondence to the recommending and/or decision making body at, or prior to, a noticed public hearing.

Consistent with the existing Resolution No. 82-198, the draft Resolution requires the property owner's authorization to submit an application to the Historic Design Review Commission. Should the Historic Design Review Commission recommend that the draft Resolution include provisions that authorized anyone to submit an application for designation, staff recommends that the Historic Design Review Commission direct staff to bring back the Resolution for further consideration as other Sections, including but not limited to, Private Owner Objection provisions will need to be added to the Resolution.

2. *What fees should be charged for an application?*

In an effort to encourage applicants to designate their property, the HDRC may recommend that applications be processed at no charge. Alternatively, the Historic Design Review Commission could recommend a \$33.00 fee; the same as all Historic Design Review applications. Should the Historic Design Review Commission decide to recommend the actual cost of processing an application, staff will need to qualify the costs of processing the application.

Section 4 – Specifies the criteria for Historic Resource Designation. A resource may be designated if the resource is:

1. Associated with events that has made a significant contribution to the broad patterns of Auburn's History;
2. Associated with the lives of persons significant in Auburn's past;
3. Embodies the distinctive characteristics of a type, period, or method of construction; or that represents the work of a master; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction;
4. Has yielded, or may be likely to yield, information important to Auburn's history or prehistory;
5. Retains aspects of integrity such as: location, design, setting, materials, workmanship or association; and,
6. Achieves significance within the past 50 years if it is of exceptional importance.

Section 5 – Specifies procedures to rescind or amend a historic designation.

Section 5 establishes grounds for an amendment or rescission and process should a property meet the any of following criteria:

1. The property has ceased to meet the criteria for listing in the Auburn Register because the qualities which caused it to be originally listed have been lost or destroyed;
2. Additional information shows that the property does not meet the Auburn Register criteria for eligibility;
3. Additional information shows that the property meets the criteria for eligibility have occurred;
4. Errors in professional judgment as to whether the property meets the criteria for eligibility have occurred;
5. Prejudicial procedural errors in the nomination or listing process have occurred.

ENVIRONMENTAL DETERMINATION:

The project was reviewed pursuant to the Auburn Municipal Code and the California Environmental Quality Act (CEQA) and was determined to be Statutorily Exempt under Section 15061(b)(3) of the CEQA Guidelines as follows:

§15061 (b) (3) A project is exempt from CEQA if:

The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ATTACHMENTS:

1. City Council Excerpt Minutes dated June 11, 2012
2. Section 159.490 of Auburn Municipal Code Entitled Historic Preservation
3. City of Auburn Resolution No. 82-198
4. Auburn Register of Historic Places dated April 23, 2012

EXHIBIT:

- A. HDRC Resolution No. 13 – With **Attachment 1** - Updated Resolution for Nomination of Historical Resources

ATTACHMENTS



CITY COUNCIL MINUTES

June 11, 2012

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, June 11, 2012 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

Council Members Present: Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Senior Planner Reg Murray, Assoc. Planner Lance Lowe, Code Enforcement Jennifer Solomon, Public Works Engineer Carie Huff, and Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/ Holmes/ Unanimously approved by voice

1. Conference with Legal Counsel

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

A) Pending Litigation:

(G.C. 54956.9(a))

Victoria Connolly, First Amendment Coalition v. City of Auburn, Auburn City Council, Placer County Superior Court Case No. SCV-0031261

B) Existing Litigation:

(G.C. 54956.9(a))

Council Member Holmes asked about Regional Service Transportation Program overlay funding, reserve funding, fund balances, personnel costs, and airport perimeter fence master design funding.

Council Member Nesbitt asked about the budgeted amounts for the various committees/ commissions.

Council Member Powers asked when the last funding occurred for the committees/ commissions.

Council Member Kirby asked about the CalPERS increase in FY 13-14 and a personnel 4% one-time payment.

Mayor Hanley asked about comparisons to other cities in the region in regards to personnel costs and school park preserve funds.

By **MOTION**, defer action on the budget until the 6/25/2012 City Council agenda to allow for more time for the public to review the budget and comment.

MOTION: Holmes/ Nesbitt/ Approved 5:0

20. **Certified Local Government Status (CLG) for Auburn**

Community Development Director Will Wong presented this item. He reviewed the history of historic design review and historic preservation ordinances, design review for single-family residential units, separate historic design review committees and the Planning Commission, overview and requirements of the Certified Local Government Program, "pre-application" update, and fiscal impacts.

Council Member questions followed regarding CLG grant money, process for single family dwelling under a CLG, public hearing notices, costs for updating preservation ordinances every five years, staff's recommendation on this item, Register of Historical Places, duties of the Historic Design Review Commission, opt-out process for residential properties, CEQA review, and administrative costs.

Council Member Holmes clarified that some work is already being completed on some of the original surveyed 571 properties to provide further detailed information. He said he is disappointed that nothing has been done to implement what the Council approved in 2004 by ordinance.

April McDonald-Loomis, City Historian, said she strongly urges the Council to accept the proposed amendment to the Historic Preservation Ordinance in order to bring it inline with the requirements for the CLG status. She addressed the historical register calling it a "dismal display."

She spoke about the cultural resource survey done in 1986 and the database she has created from it. She said she thinks the staff time would be minimal to keep the research current.

Cindy Combs, resident of Auburn and member on the HDRC, said as a private citizen she supports Auburn becoming a CLG. She said implementing measures to be able to identify and preserve Auburn's Historic Resources will be a benefit to the entire community.

Michael Otten, resident of Auburn and President of the Placer County Historical Society said this is a "golden opportunity" for Auburn to move ahead on the CLG status.

Bob Snyder, resident of Auburn, suggested an opt-in provision as opposed to an opt-out provision. He said there should be concern when California Environmental Quality Act is discussed. He said there needs to be much further discussion before action is taken.

Council Member Holmes said he supports moving forward with the ordinance amendment to be followed by submission of a CLG application and followed again with an update to the 1986 inventory of historic properties.

Council Member Nesbitt said he concurs with Mr. Snyder regarding an opt-in clause. He said he would like to see workshops done on this subject for further information and input.

City Attorney Michael Colantuono said he presumes that an opt-in clause would not be acceptable in a CLG due to our current ordinance excluding single family properties.

Council Member Powers said she concurs with holding a workshop for public input from property owners.

Council Member Kirby said the ultimate decision is on Council, not staff. He said he views CLG as more state regulation and an extreme intrusion on property owner's rights.

Mayor Hanley spoke about when the ordinance was passed in 2004 and the concern over residential properties at that time. He said he feels the current ordinance protects historical buildings in the city. He said he does not see many tangible benefits to CLG. He said he supports updating the historical preservation ordinance, include more properties on the register, and promote our historical assets.

Council Member Holmes made a motion to initiate an ordinance amendment to revise the City's Historic Preservation Ordinance to be consistent with the requirements for a Certified Local Government as described in the February 8, 2012 memorandum from the State Department of Parks and Recreation and by Resolution commit to updating the 1986 inventory of historic properties as described in the February 8, 2012 memorandum from the State Department of Parks and Recreation. The motion failed for lack of a second.

By **MOTION**, do not submit an application to the California Office of Historic Preservation for Certified Local Government Status. Direct staff to update the resolution for Nominating Process for Historical Resources (*Resolution No. 82-198*); and continue with the City's Historic Preservation Ordinance as currently practiced.

MOTION: Kirby/ Nesbitt/ Approved 4:1 (Holmes voted no)

Council Member Holmes explained why he made the motion he did and the related benefits. He said the motion on the floor now just allows for a stand still and shows no appreciation for the history of the City.

21. **Recommendations from Streetscape History and Art Advisory Committee (SHAAC)**

Council Member Nesbitt presented this item. He explained how SHAAC committee members came to the recommendations in front of Council tonight.

Council Member Hanley said he is concerned that without a city funding source the history aspect will become compromised. He said he wants to keep the history in SHAAC. He added items 4 and 5 to the resolution.

By **RESOLUTION 12-68**:

- 1) Approve the revised criteria for selection of Streetscape tiles or amenities.
- 2) Adopt the "City of Auburn Streetscape History and Art Advisory Committee (SHAAC) Request for Recognition Form".
- 3) Appoint April McDonald-Loomis (City Historian) as a voting member of the SHAAC, rather than a non-voting advisor.
- 4) Direct SHAAC to forward no less than 50% of the tile recommendations to the City Council based on recognizing an achievement(s) that occurred before 1945.

MOTION: Nesbitt/ Holmes/ Approved 5:0

REPORTS

23. **City Council Committee Reports**

Council Member Powers reported on an upcoming Placer County Economic Development Commission meeting at Ceronix, June 21 at 3pm.

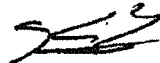
Council Member Holmes reported that the House of Representatives passed the Energy and Water Appropriations Bill which has funding for the Auburn State Recreation Area.

Council Member Nesbitt reported he attended the 113th graduating class of Placer High School. He also congratulated Public Works on the Airport Monument Sign. He reported on the Auburn App, and directed staff to contact the Chamber on adding a link to the City's website.

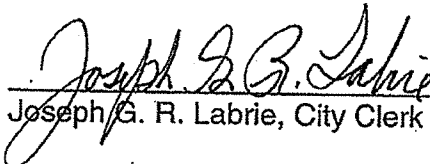
Mayor Hanley thanked the Fire Chief for submitting an application to the Sierra Nevada Conservancy and securing a grant.

ADJOURNMENT

Mayor Hanley adjourned the meeting, without objection, at 10:24 p.m.



Kevin Hanley, Mayor



Joseph G. R. Labrie, City Clerk

equipment connected therewith shall be removed from the location or premises.

(E) The Community Development Director may, in issuing permits for temporary uses, attach such conditions as are determined to be reasonably necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination or operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises, in addition to any other conditions imposed, the Community Development Director may require the posting of a cash bond in an amount sufficient to guarantee the removal of any fixtures, equipment or stands and the cleanup of the location or premises immediately upon the expiration of any such temporary use.

(1973 Code, § 9-4.1801.6) (Ord. 91-3, eff. 3-27-1991)

§ 159.478 OUTDOOR SEATING PERMIT; ISSUANCE.

Notwithstanding any other provision contained in this subchapter, limited outdoor seating, up to a maximum of 12 seats, may be allowed in conjunction with an existing eating establishment subject to the approval by the Community Development Director of an outdoor seating permit according to the following provisions.

(A) The permit shall be issued in accordance with the provisions of § 159.475.

(B) The outdoor seating shall be described in a permit issued therefor by the Community Development Director prior to commencement. The permit shall also include all other licenses, permits or approvals otherwise required by this code.

(C) (1) The outdoor seating shall be discontinued in the event that the business it is in conjunction with closes or relocates.

(2) Any trash, chairs, benches, tables or other fixtures, appurtenances or equipment connected therewith shall be removed from the location or premises at that time.

(D) The Community Development Director may, in issuing permits for outdoor seating, attach such conditions as are determined to be reasonably necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination, operation of any loudspeaker or sound amplification and the like in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.

(E) Outdoor seating may be permitted within the public right-of-way if an encroachment permit is approved by the Public Works Department.

(1973 Code, § 9-4.1801.7) (Ord. 92-16, eff. 8-26-1992)

§ 159.479 ENFORCEMENT.

(A) It shall be the duty of the Building Official to enforce the provisions of this chapter pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

(B) It shall be the duty of the Police Chief and all officers of the city charged by law with the enforcement of city laws to enforce the provisions of this chapter.

(1973 Code, § 9-4.1801) (Ord. 568, eff. - -; Am. Ord. 88-3, eff. 5-11-1988)

HISTORIC PRESERVATION

§ 159.490 TITLE.

This subchapter of the Auburn Municipal Code shall be known as the Historic Preservation Ordinance of the City of Auburn.

(Ord. 04-8, eff. 11-15-2004)

§ 159.491 PURPOSE.

WHEREAS the people of Auburn, by and through their City Council, have determined that:

(A) The recognition, maintenance and enhancement of the cultural historic resources within the City of Auburn is in the best interests of the citizens of Auburn and that those resources have value as living parts of the community;

(B) The City of Auburn, in recognition of the intention and provisions of the National Historic Preservation Act of 1966, as amended, joins with private individuals, businesses and groups, the State of California and the United State Congress to develop preservation programs and activities to encourage and promote the maintenance, restoration, renovation and preservation of Auburn's unique architectural, historic, aesthetic and cultural heritage;

(C) THEREFORE, the purpose of this subchapter is to promote the general health, safety and welfare of the public through:

(1) The protection, enhancement, preservation and use of the diverse structures, areas and sites in Auburn, which represent past eras, events and persons important in history, or which provide significant examples of architectural styles of the past, or are landmarks in architectural history, or which constitute unique and irreplaceable assets to Auburn and its neighborhoods, or which provide this and future generations examples of the physical surroundings in which prior generations have lived;

(2) The development and maintenance of complementary settings and environment for said structures and/or districts;

(3) The enhancement of property values, the stabilization of neighborhoods and areas within Auburn, the increase of economic benefits to Auburn and its property owners and residents, and the promotion of visitor trade and interest;

(4) The preservation and encouragement of a city of varied architectural styles reflecting the cultural, social, economic, political history of Auburn;

(5) The educational and cultural enrichment of this and future generations by fostering knowledge of our heritage, and;

(6) The promotion and encouragement of continued private ownership and use of such structures so that the objectives set forth in this subchapter may be attained.

(Ord. 04-8, eff. 11-15-2004)

§ 159.492 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning

ALTERATION. Any exterior change or modification, through public or private action, of any historic resource or of any property located within an historic district which involves exterior changes to or modification of a structure, its surface texture, or its architectural details; new construction; demolition; relocation of structures onto, off of, or within a designated property; or other changes to the site affecting the significant historical or architectural features of the property.

AUBURN REGISTER OF HISTORIC BUILDINGS AND PLACES. An official listing of sites, areas, buildings and structures within the city designated by the City Council as having special historical significance.

DEPARTMENT. The Community Development Department.

DESIGN GUIDELINES. The Historic Preservation Architectural Design Guidelines.

DIRECTOR. The Community Development Director.

HISTORIC DESIGN REVIEW. The city review process for development requests associated with property located within the Historic Design Review District or for properties that are designated as a historic resource.

HISTORIC DESIGN REVIEW COMMISSION. The approving authority for projects located within the Historic Design Review District.

HISTORIC DESIGN REVIEW DISTRICT. The design review district that includes the Downtown Design Review District, the Old Town Design Review District, and properties designated as a historic resource.

HISTORIC DESIGN REVIEW PERMIT. A Design Review Permit issued for properties located within the Historic Design Review District.

HISTORIC RESOURCE. Buildings, structures, signs, features, sites, places, areas, or other improvements of scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to citizens of the city and designated as such by the City Council pursuant to the provisions of this subchapter.

HISTORIC RESOURCES SURVEY. A survey prepared in 1986 which identified and documented those structures, objects, and sites which were in existence prior to 1941 and which evaluated them for architectural, historical, and/or cultural significance according to the guidelines set forth for inclusion in the National Register of Historic Places.

MINOR ALTERATION. An alteration that is not readily noticeable from the street and will not alter the character or essential architectural details of the structure.

ORDINARY MAINTENANCE AND REPAIR. Any work where the purpose and effect of such work is to prevent or correct any deterioration of or damage to a structure or any part thereof and to restore the structure or part thereof to its condition prior to the occurrence of such deterioration or damage.

PRESERVATION EASEMENT. A legal instrument recorded against a parcel or parcels of real property that limits the property owner's ability to alter, change, modify, destroy, or in any way threaten the cultural and/or historic value of a historic resource, without consultation and authorization of the agency to whom the easement has been assigned. Once imposed, such an easement "runs with the land" thereby requiring current and future property owners to abide by its terms.

STATE HISTORICAL BUILDING CODE (SHBC). The State Historical Building Code contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historic structures, districts and sites, designated under federal, state, or local authority.
(Ord. 04-8, eff. 11-15-2004)

§ 159.493 HISTORIC DESIGN REVIEW DISTRICT: DESIGNATION.

(A) The Historic Design Review District shall be identified on a map, attached as an exhibit hereto and maintained on file in the office of the Community Development Department and incorporated herein by reference.

(B) The District map may be amended by resolution of Council.

(C) The District may be amended to include any such individual site, improvement or structures as may be added, from time to time, as a result of the granted application by a property owner for designation of that property as a Historic Resource (HR).

(D) The requirements of this subchapter shall be mandatory for all properties within the District.
(Ord. 04-8, eff. 11-15-2004)

§ 159.494 HISTORIC DESIGN REVIEW COMMISSION; CREATION, MEMBERSHIP, AND TERMS OF OFFICE.

(A) *Established.* There is hereby established a Historic Design Review Commission (HDRC).

(B) *Membership.* The Historic Design Review Commission shall consist of 9 members, including the 5 members of the Planning Commission and 4 at-large members.

(C) *Minimum qualifications: At-large members.* The at-large membership of the Commission shall consist of the following:

- (1) One architect.
- (2) One member of an historical society.
- (3) One real property owner or business owner from the Downtown Historic District.
- (4) One real property owner or business owner from the Old Town Historic District.
- (5) The representatives from the Downtown Historic District and Old Town Historic District shall be nominated by the Downtown Business Association or Old Town Business Association, respectively.

(D) *Appointment and terms of office: At-large members.* At large members shall be appointed by a majority of the Council and shall serve a 4 year period. The Council shall appoint 2 at large members to 2-year terms at the time of the initial appointment of at-large members.

(E) *Attendance.* In the event a member fails to attend a total of 3 or more HDRC meetings during a calendar year, the City Council may declare the office of the member vacant. In the event an HDRC office is declared vacant, the appointment of a successor shall be made for such unexpired term in the manner provided in this section.

(F) *Vacancies.* If the office of a member of the Historic Design Review Commission becomes vacant, the City Council shall fill the vacancy by appointing a Commission member whose term shall run the unexpired term of the former incumbent.
(Ord. 04-8, eff. 11-15-2004)

§ 159.495 HISTORIC DESIGN REVIEW COMMISSION; PRACTICES AND PROCEDURES.

(A) *Quorum.* Five voting members of the Historic Design Review Commission shall constitute a quorum with a majority vote of the members present required for passage of any action item.

(B) *Officers.* The chairperson and vice-chairperson of the Planning Commission shall serve as the chair and vice-chair of the Historic Design Review Commission.

(C) *Staff:* The Community Development Department shall act as staff to the Historic Design Review Commission.

(D) *Annual review.* The Historic Design Review Commission shall, at least once per year, conduct a review of its operations and procedures, and make recommendations to the City Council for improvements thereof.
(Ord. 04-8, eff. 11-15-2004)

§ 159.496 HISTORIC DESIGN REVIEW COMMISSION (HDRC); POWERS AND DUTIES.

(A) The Historic Design Review Commission shall have the following powers and duties:

(1) To adopt rules of procedure for the conduct of its business in accordance with the provisions of this subchapter;

(2) Act in an advisory capacity to the City Council in all matters pertaining to historic resources and districts;

(3) Develop and maintain criteria for the nomination and designation of structures, improvements, or sites as historic resources. Such resources shall be separate and apart from the Historic Design Review District but shall be subject to the provisions of the district;

(4) Approve, conditionally approve, or deny Historic Design Review Permits in accordance with the provisions of this subchapter and the requirements of Chapter 157;

(5) Render advice and guidance, upon request of the owner or occupant of the property, on the restoration, alteration, decoration, landscaping or maintenance of any cultural resource including landmarks, sites, districts or neighboring properties within public view;

(6) Encourage and render advice and guidance to property owners or occupants on procedures for inclusion of a cultural resource on the local, State, or Federal level;

(7) Recommend to the City Council, from time to time or as events warrant, recognition of owners or occupants of structures, improvements or sites by means of certificates, plaques, markers or commendations who have restored, renovated and/or maintained their property in an exemplary manner;

(8) Establish guidelines for the declaration of historical buildings and structures within the city and designate all such buildings and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings);

(9) Investigate and make recommendations to the City Council on the availability and use of funding which is or may become available from various federal, state, local or private sources to promote and undertake preservation of districts, structures, improvements or sites of historical value to Auburn; and

(10) Provide local owners of diverse structures, buildings, areas, and sites with the benefits and responsibilities of inclusion in local, State, or Federal registries of historic properties.

(B) Upon authorization by the Auburn City Council, the Historic Design Review Commission shall have the following powers and duties:

(1) Publicize and update the City of Auburn Historic Resources Survey previously prepared in the City of Auburn;

(2) Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the City of Auburn, County of Placer or State of California as they relate to the historic resources of Auburn;

(3) Make recommendations to the City Council for the purchase of property, in fee or less than fee, easements, or other mechanisms for preservation of cultural heritage resources;

(4) May participate in, promote and conduct public information, educational and interpretive programs pertaining to preservation of cultural resources; and

(5) Undertake any other action or activity delegated to it by the City Council or by this subchapter, necessary or appropriate to the implementation of its powers or duties to fulfill the objectives of cultural resource preservation. (Ord. 04-8, eff. 11-15-2004)

§ 159.497 HISTORIC DESIGN REVIEW PERMIT (HDRP).

(A) Except as otherwise specified in this section, a Historic Design Review Permit shall be processed per the requirements of §§ 159.114 through 159.125.

(B) Application submittal. An application for a Historic Design Review Permit shall be made on a

form provided by the Community Development Department and shall be accompanied by the fees established by resolution of the City Council. The application shall include all information as prescribed on the form provided by the Department.

(C) Historic design review. Projects located within the Historic Design Review District, or properties situated outside the district that have been designated a historic resource, shall be subject to historic design review as required by this subchapter.

(1) *Historic Design Review Permit (HDRP) required.* A Historic Design Review Permit shall be required for the following types of projects:

(a) Construction of all new commercial, office, industrial, and multi-family residential buildings or structures.

(b) Alterations, remodeling, or additions to existing structures.

(c) Replacement of building materials with different materials (including re-roofing of buildings).

(d) Painting of buildings if the color(s) used are not similar to the existing colors.

(e) Sign permits.

(f) Modifications to existing Historic Design Review Permits.

(2) *Administrative approval.* The Director may approve, conditionally approve, or deny the following types of projects:

(a) Minor modifications to existing site improvements (such as parking lot re-striping).

(b) Exterior painting on buildings and/or structures if the color(s) are the similar to the existing color(s).

(c) Replacement of building materials with the same materials (including re-roofing of buildings).

(d) Sidewalk replacement.

(e) Landscaping.

(f) Temporary signage for special events.

(g) Projects as delegated by the Planning Commission.

(3) *Exemptions.* The following types of projects are exempt from the design review process:

(a) Ordinary maintenance and repair.

(b) Single-family residential buildings or structures.

(D) Reviewing authority.

(1) *Historic Design Review Commission.* The reviewing authority for Historic Design Review Permit applications shall be the Historic Design Review Commission.

(2) *Administrative approval.* The Director may issue permits for those administrative approval items identified in division (C)(2) above. The Director may, however, refer requests to the Historic Design Review Commission for consideration, when, in the Director's opinion, review and approval is warranted. The permit shall be referred to the Historic Design Review Commission within 30 days after deeming the application as complete. When applicable, the applicant shall provide additional information as required by § 159.116(A).

(E) Application evaluation criteria. The approving authority shall review and approve, conditionally approve, or deny applications in accordance with the provisions of this chapter and all applicable design guidelines as specified in § 159.418.

(F) Appeals. Appeals may be taken pursuant to Chapter 162 of this Municipal Code.

(G) Expiration. Expiration of a Historic Design Review Permit shall be subject to the provisions of § 159.118.

(H) Extension. Extension of a Historic Design Review Permit shall be subject to the provisions of § 159.120.

(I) Modifications. Modification of a Historic Design Review Permit shall be subject to the provisions of § 159.121.

(J) Building Permit. Prior to issuance of a building permit for any structure, improvement, or building proposed as part of an approved Historic Design Review Permit, the Community Development Department shall provide written approval to the Building Official certifying that the proposed improvements are in conformity with the approved permit. Before a building permit may be issued for any structure, improvement, or building proposed as part of the approved Historic Design Review Permit, the Building Official shall secure written approval from the Community Development Department that the proposed improvements are in conformity with an approved permit.

(K) Occupancy Permit. Before a building, improvement or structure may be occupied or finished, the Community Development Department shall notify the Building Official that the site and/or such building improvement or structure thereon have been developed in conformity with the approved Historic Design Review permit.

(L) (1) Violation/Revocation with permit. Should the holder of a Historic Design Review Permit violate any provision of this subchapter or any condition of approval of the permit, the permit shall be automatically suspended. The Community Development Department shall provide the holder of the permit with written notice of the suspension, which notice shall identify the reasons for the suspension and may instruct the holder of the permit

to immediately terminate any and all activities, including, without limitation, construction, restoration or renovation work being performed pursuant to the permit.

(2) Within 60 days of the suspension of the permit, the Historic Design Review Commission shall hold a hearing and receive evidence as to whether the permit should be reinstated, revoked or additional conditions or restrictions be placed on the permit or other actions taken by the holder to ensure compliance with the provisions of the permit and this subchapter.

(M) Violation without permit. When any improvements are commenced or made or installed to a building, improvement or structure in the Historic Design Review District without the prior issuance of an Historic Design Review Permit, the owner of the site and/or occupant of the building shall be required to cease and desist all such work and (depending on which person(s) undertook the un-permitted work) shall be subject to completing the application process and a penalty fee of double the standard processing fee, and in the event such permit is denied, shall be responsible for returning the building, improvement or structure to its state prior to any such work having been commenced, or, if such state cannot be achieved, to as near its pre-existing state as reasonably possible. (Ord. 04-8, eff. 11-15-2004; Am. Ord. 09-02, eff. 4-8-2009)

§ 159.498 DESIGN CRITERIA: PURPOSE.

The purpose of the design criteria is to implement the design guidelines set forth in the Historic Preservation Architectural Design Guidelines, adopted by resolution of Council and incorporated herein. The criteria are intended to be flexible guidelines, rather than rigid rules, in order to provide applicants and the approving authority with the ability to use new techniques and materials as they become available, and where their use is appropriate, on a case by case basis.

(A) The design criteria shall be used for the preservation and enhancement of historical and architectural sites, structures and improvements

through the renovation, restoration or maintenance of those sites, structures and improvements. The restoration of a structure to its exact former appearance shall be encouraged, but not required.

(B) If a structure or improvement is not deemed to be a historical, architectural or aesthetic contributor to the Historic Design Review District, but is at least 50 years old, the application of the design criteria shall be used to insure that modifications or alterations to that structure or improvement do not increase its "non-contributory" character. The design criteria shall be applied to applications for such structures or improvements in order to encourage the renovation, restoration or maintenance of such structures, and to minimize their non-contributory nature and become "contributing" to the District.

(C) If a structure or improvement was built less than 50 years ago, the application of the design criteria shall be used to insure that modifications or alterations to that structure or improvement do not increase its "non-contributory" character, but rather to blend in with or become more compatible with the surrounding structures or improvements.

(D) The design criteria shall be applied to new construction to achieve design and usage which is compatible and in harmony with the surrounding structures in the District.
(Ord. 04-8, eff. 11-15-2004)

§ 159.499 DECLARATION OF HISTORIC BUILDINGS AND PLACES.

The Council may, by resolution, establish guidelines for the declaration of historical sites, areas, buildings and structures within the city and designate all such locations and structures as having special historical significance in a separate register of historical buildings (such as the Auburn Register of Historic Buildings and Places) to be maintained by the Community Development Department. All sites, areas, buildings or structures on the register shall be subject to the requirements of this chapter.
(Ord. 04-8, eff. 11-15-2004)

§ 159.500 USE OF STATE HISTORICAL BUILDING CODE.

The California State Historical Building Code provides alternative regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. The State Historical Building Code may be used, at the Building Official's discretion, for any designated cultural resource in Auburn's building permit procedure.
(Ord. 04-8, eff. 11-15-2004)

§ 159.501 ADOPTION OF UNIFORM CODE FOR BUILDING CONSERVATION.

For purposes of protecting the public health and welfare and establishing rules and regulations for the conservation of historical buildings in the city, that certain Code designated as the "Uniform Code for Building Conservation," current edition as adopted by the International Conference of Building Officials and as approved by the State of California Historic Building Code Board, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions, and deletions set forth in this chapter. Said Code shall be known as the Code for Building Conservation of this city.
(Ord. 04-8, eff. 11-15-2004)

§ 159.502 PRESERVATION EASEMENTS.

Preservation easements may be acquired by the City of Auburn or an appropriate non-profit group through purchase, donation, or condemnation pursuant to California Civil Code Section 815. Preservation easements may be applied to sites, facades of buildings, or the acquisition of property deemed valuable as a cultural/historic resource.
(Ord. 04-8, eff. 11-15-2004)

§ 159.503 DEMOLITION OF HISTORIC STRUCTURES.

(A) Any demolition of a structure which contributes historically to the District (either in whole or in part) is prohibited absent written notice to the Historic Design Review Commission. Said notice shall be provided via first class mail, with return receipt requested, at least 180 days in advance of the proposed event. Subject to the provisions of division (B), below, no application to the City of Auburn for a demolition permit shall be accepted, or permit issued, during the 180 day period. Following receipt of such notice, the Historic Design Review Commission may undertake the following steps in order to preserve the structure, improvement or site involved, including:

(1) Seek private parties which may be interested in purchasing the subject property, or other funding sources for purchase of the property for rehabilitation or restoration purposes;

(2) With the property owner's consent, publicize the availability of the property for purchase for rehabilitation or restoration purposes;

(3) Investigate possible sites for the relocation of the structure;

(4) Make recommendations to the City Council regarding the acquisition of the property, land exchanges, development rights or facade easements and the imposition or negotiation of other restrictions for the preservation of the structure.

(B) Upon receipt of notice, the Historic Design Review Commission may waive the 180 day requirement if the action planned for the property involves:

(1) An emergency repair to, or removal of an unsafe condition on, the structure, improvement or site;

(2) The relocation of the structure to a site approved by the Historic Design Review Commission, or;

(3) Relief from extreme financial hardship to the owner of the property.

(C) The 180-day requirement may be reduced to 90 days following a duly noticed public hearing by the Historic Design Review Commission if the Commission finds that the 180-day requirement materially impairs the ability of the owner to develop or sell the property upon which the structure is situated.

(D) Request for relief by waiver received no later than 15 calendar days before the next regularly scheduled meeting of the Historic Design Review Commission shall be considered at that next regularly scheduled meeting, however, requests for relief by waiver received within the 15 day period shall be considered by the Historic Design Review Commission within 30 days.

(Ord. 04-8, eff. 11-15-2004)

§ 159.504 SUBSTANDARD OR DANGEROUS CONDITIONS.

Should the Building Official or Fire Chief determine that any structure, improvement or site within the Historic Design Review District constitutes a public hazard due to a substandard or dangerous condition of the property, said official shall notify the Historic Design Review Commission in writing. Upon receipt of such notice, the Commission shall evaluate the historic and architectural merit of the structure and provide recommendations to the Building Official within 60 days of the date such notice is received.

(Ord. 04-8, eff. 11-15-2004)

§ 159.505 ORDINARY MAINTENANCE AND REPAIRS OF PROPERTY.

Nothing in this subchapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature or detail in or on any property subject to this subchapter which does not involve a change in the design, materials, color or external appearance thereof, nor shall this subchapter

prevent the construction, reconstruction, alteration, renovation, restoration, demolition or removal of any such feature when the Building Official certifies to the Historic Design Review Commission that such action is required for public safety due to an unsafe or dangerous condition which cannot be rectified through use of the Historical Building Code of the State of California.

(Ord. 04-8, eff. 11-15-2004)

§ 159.506 EVIDENCE OF HARDSHIP FOR EXEMPTIONS/WAIVERS.

(A) The Historic Design Review Commission may approve an application for a permit to carry out any proposed work in the Historic Design Review District, or on a historic site, structure or improvement, if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the Commission that: 1) denial of the application will work immediate and substantial hardship on the economic value of the property because of the conditions peculiar to the particular structure, improvement or site or other feature involved; 2) all reasonable use of or return from the property will be denied the owner, and 3) the approval of the application will be consistent with the purposes of this subchapter. If a hardship is found to exist under this section, the Historic Design Review Commission shall make written findings within 30 days of the application as to the specific supporting facts and conclusion based thereon.

(B) An application for exemption or waiver based upon economic hardship shall be based upon an analysis of the following factors:

(1) Denial of the application will diminish the value of the subject property so as to leave substantially no value;

(2) Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in the District;

(3) An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;

(4) Rental at a reasonable rate of return is not feasible;

(5) Denial of the application would damage the owner's economic value of the property unreasonably in comparison to the benefit conferred on the community, and;

(6) All means involving city sponsored incentives, such as tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants and reimbursements, have been explored to relieve possible economic disincentives.

(C) The Historic Design Review Commission is authorized to require the applicant to furnish documentary material evidence supporting the application.

(D) The Historic Design Review Commission and city shall have a period to make recommendation and develop and adopt a plan in order to relieve applicant's economic hardship, not to exceed 90 days to allow the applicant a reasonable use of, and economic return from, the property or otherwise act to preserve the subject property. If, at the end of this 90-day period, the Historic Design Review Commission finds that without approval of the application, that the property cannot be put to a use providing a reasonable economic return to the applicant, the Historic Design Review Commission shall approve the application for waiver. If the Historic Design Review Commission finds otherwise, it shall notify the applicant in writing within 10 days, sent by mail with return receipt requested, of the final denial. The application shall be deemed approved if the Historic Design Review Commission fails to make any finding by the end of the 90-day period, unless said deadline is extended with the prior written agreement of the applicant.

(E) If the approval of the application will result in the demolition of a nominated or designated historic resource, the applicant shall provide the Historic Design Review Commission documentation of the resource proposed for demolition to the standards of the Historic American Building Survey, which may include photographs, floor plans, measured drawings, archeological survey or other documentation stipulated by the Commission.

(F) Appeal. An applicant may appeal denial of a hardship waiver to the City Council pursuant to Chapter 162 of this Municipal Code. Such appeal shall waive the 90-day time limit set forth in this section for purposes of the hearing and issuance of a decision on the appeal, which shall be controlled by Chapter 162 of this Municipal Code.
(Ord. 04-8, eff. 11-15-2004; Am. Ord. 09-02, eff. 4-8-2009)

§ 159.507 PRESERVATION INCENTIVES.

The city may authorize incentives for properties within the Historic Design Review District in order to more effectively achieve the purposes of this subchapter, and to support the preservation, maintenance, and appropriate rehabilitation of resources within the District. Preservation incentives shall be considered on a case-by-case basis and may include economic assistance, relaxation of otherwise applicable development standards, or use restrictions. Incentive programs shall be approved by City Council. Incentives associated with development standards or use restrictions shall be approved by the HDRC. Incentives shall be reviewed by City Council annually.

(Ord. 04-8, eff. 11-15-2004)

§ 159.999 PENALTY.

(A) Any person, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and,

upon conviction thereof, shall be punishable as set forth in § 10.99.

(1973 Code, § 9-4.1803)

(B) Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon an order of the Council, immediately commence an action or proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such courts as may have jurisdiction to grant the relief as will abate and remove the building or structure and restrain and enjoin any person from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this chapter.

(1973 Code, § 9-4.1804)

(Ord. 558, eff. - -)

(C) (1) It shall be the duty of the Community Development Director to enforce all of the provisions of §§ 159.185 *et seq.*

(a) Any person, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of §§ 159.185 *et seq.* shall be deemed guilty of an infraction under the provisions of this code and shall be punishable upon a first conviction of a sign violation fee as set by Council resolution, as may be amended from time to time, on file in the office of the City Clerk and incorporated in this section by reference.

(b) The sign violation fee shall include a penalty for a second violation and subsequent conviction within a 1-year period.

(2) Any violations of §§ 159.185 *et seq.* beyond the second conviction within a 1-year period

are chargeable as a misdemeanor and, upon conviction thereof, shall be punishable as set forth in § 10.99. (1973 Code, § 9-4.1012) (Ord. 786, eff. 6-8-1983; Am. Ord. 88-3, eff. 5-11-1988; Am. Ord. 89-11, eff. 6-7-1989)

(D) Each violation of §§ 159.140 *et seq.* or of any regulation, order or ruling promulgated under §§ 159.140 *et seq.* shall constitute a misdemeanor and be punishable by a fine of not more than \$500, or by imprisonment for not more than 180 days, or both, and each day a violation continues to exist shall constitute a separate offense. (1973 Code, § 9-4.1903) (Ord. 757, eff. 10-8-1980)

RESOLUTION NO. 82-196 ATTACHMENT 3

A RESOLUTION ESTABLISHING POLICY GUIDELINES FOR DECLARATION OF HISTORICAL BUILDINGS WITHIN THE CITY OF AUBURN

THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE:

That the City Council of the City of Auburn does hereby adopt the following policy guidelines in the determination of historical buildings within the City of Auburn:

1. Any owner of real property having located thereon an historically significant building shall have the right to file an application with the Planning Director of the City of Auburn, describing said building, its age, former uses and its particular importance or significance to the history, architecture, or culture of the City of Auburn, including photographs, diagrams, drawings, and all other information or exhibits related thereto.

2. Upon receipt of said information, the Planning Director shall set a public hearing for the review of said application before the City Council of the City of Auburn.

3. The City Council shall receive all evidence submitted to it and shall thereafter make a finding as to whether or not said particular building shall be classified as of particular historical, architectural or cultural importance or significance to the City of Auburn, or any area thereof.

4. Said building shall be not less than seventyfive (75) years old.

5. If found to be of historical, architectural, or cultural importance or significance to the City of Auburn, or any area thereof, said owner shall thereafter obtain the

1 approval of the Building Inspector of the City of Auburn as
2 to acceptable "alternative regulations" proposed for the
3 improvement or repair of said buildings. Such "alternative
4 regulations" shall be "reasonably equal", in terms of quality,
5 strength, effectiveness, fire resistance, durability, and safe
6 to all of the health, safety, building and other requirements,
7 regulations and standards of the City of Auburn pertinent to
8 the improvement or repair of said buildings.

9 6. After approval of the Building Inspector of the
10 City of Auburn, said "alternative regulations" shall be approved
11 by the City Council after public hearing thereon.

12 7. The applicant for historical designation shall pay
13 the cost of a City of Auburn Plaque as part of an application for
14 and shall mount said plaque on any building approved by the
15 City Council of the City of Auburn as an historical building.

16 Dated: December 13, 1982

17 
18 George W. Beland, Mayor

19 ATTEST:

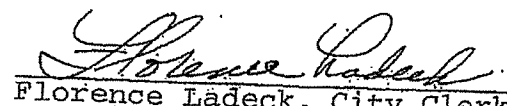
20 
21 Florence Ladeck, City Clerk

22 I, FLORENCE LADECK, City Clerk of the City of Auburn,
23 do hereby certify that the foregoing resolution was duly passed
24 at a regular meeting of the City Council held on the 13th day of
25 December, 1982, by the following vote on roll call:

26 AYES: Cox, Pisarek, Veal, Wise, Beland

27 NOES: None

28 ABSENT: None


Florence Ladeck, City Clerk

ATTACHMENT 4

CITY OF AUBURN REGISTER OF HISTORIC PLACES

(Revised May 4, 2012)

HISTORIC BUILDINGS

APPROVAL	DATE	ADDRESS	APN	NAME	AKA
Motion	12-12-77	130 Maple Street	002-223-001		Latitudes
Res. 84-41	3-11-85	405 Linden Avenue	002-167-007	Irene Burns Home	
Res. 86-151	7-14-86	1293 Lincoln Way	002-180-013	Vogler House	
Res. 88-104	6-27-88	601 Lincoln Way	002-081-002	East Auburn Depot	Chamber of Commerce
Res. 88-181	11-14-88	1225 Lincoln Way	002-180-016	Auburn Grammar School	City Hall
Res. 89-99	5-26-89	853 Lincoln Way	002-154-043	Auburn Hotel	Promenade Building
Res. 89-99	5-26-89	144 Reamer Street	002-075-016	Tuttle Mansion	

POINTS OF HISTORIC INTEREST

APPROVAL	DATE	ADDRESS	APN	NAME	AKA
Res. 88-83	5-23-88	1225 Lincoln Way	002-180-016	Auburn Grammar School	City Hall
Res. 96-08	1-8-96	956 Lincoln Way	002-145-014	Jon M. Robinson Memorial Masonic Temple	

HISTORIC LAND SITES

APPROVAL	DATE	ADDRESS	APN	NAME	AKA
Motion	1-22-79	101 Maple Street	002-224-015	County Courthouse	
Motion	1-22-79	299 Commercial St	002-224-011	Lawyer's Row	
Motion	1-22-79	301 Commercial St 321 Commercial St 337 Commercial St 343 Commercial St 351 Commercial St	002-225-018 002-225-019 002-225-017 002-225-008 002-225-007	Commercial Street	1590 Lincoln
Motion	1-22-79	1583 Lincoln Way	004-113-001	Old Post Office	
Motion	1-22-79	200 Sacramento Street	004-032-001	Chinese Joss House	Joss House
Motion	1-22-79	277/291 Auburn Folsom Road	004-120-013	Traveler's Rest & Winery	Bernhard Museum

EXHIBIT

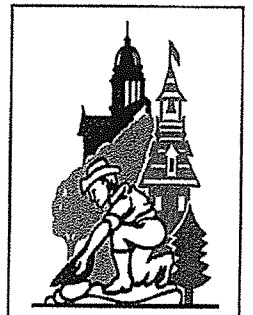


EXHIBIT A

HISTORIC DESIGN REVIEW COMMISSION RESOLUTION FOR THE HISTORICAL RESOURCE NOMINATION PROCESS FOR THE AUBURN REGISTER OF HISTORIC PLACES – ADMIN FILE 208.6

Section 1. The City of Auburn Historic Design Review Commission considered at its regular meeting of March 5, 2013, to recommend the Historical Resource Nomination Process for the Auburn Register of Historic Resources.

Section 2. The City of Auburn Historic Design Review Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the March 5, 2013, meeting.
2. Staff presentation at the public hearing held on March 5, 2013.
3. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
4. All related documents received and/or submitted at or prior to the public hearing.
5. The City of Auburn General Plan, Zoning Ordinance, Historic Preservation Architectural Design Guidelines, and all other applicable regulations and codes.

Section 3. In view of all of the evidence, the City of Auburn Historic Design Review Commission finds the following:

1. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15061 (b)(3).
2. The project is consistent with the Historic Preservation Architectural Design Guidelines.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Historic Design Review Commission hereby recommends approval of the Historical Resource Nomination Process for the Auburn Register of Historic Places attached herewith as *Attachment 1*.

Section 5. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Historic Design Review Commission, upon motion by Commissioner _____ and seconded by Commissioner _____ hereby recommends approval of the Historical Resource Nomination Process for the Auburn Register of Historic Places listed above and carried by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED, APPROVED AND ADOPTED this 5th day of March 2013.

Chairman, Historic Design Review Commission
of the City of Auburn, California

ATTEST:_____
Community Development Department

ATTACHMENT 1

NOMINATION PROCESS FOR AUBURN REGISTER OF HISTORIC RESOURCES

Section 1	Purpose
Section 2	Designation Process
Section 3	Application Information
Section 4	Criteria for Historic Resource Designation
Section 5	Procedures to Amend or Rescind Designation of a Historic Resource

Section 1 Purpose.

The City of Auburn recognizes the importance of historically significant resources and hereby establishes the following guidelines, procedures, and criteria by which a property owner shall have the right to file an application to declare their property as having special historical significance to the City of Auburn and to designate the property on the Auburn Register of Historic Resources.

Section 2 Designation Process.

The following process will be used to review and designate historic resources:

- (A) *Application.* A request to designate a property for the Auburn Register may be initiated by the owner of the property upon submittal of a complete application pursuant to Section 3 below.
- (B) *Stay of Work.* While an application is being considered by the City, no work shall be conducted that would require Historic Design Review Commission approval in accordance with Section 159.497(C)(1).
- (C) *Review by Community Development Department.* Upon submittal of a complete application, the Community Development Department shall review an application against the guidelines and criteria of this resolution.
- (D) *HDRC Review.* The Historic Design Review Commission shall hold a public hearing to review and recommend approval of, in whole or in part, or disapproval of the application for designation in writing to the City Council, setting forth the reasons for the decision. Public Notice for the hearing shall be provided pursuant to Section 2(H) below.
- (E) *City Council Review and Action.* After receiving the Historic Design Review Commission's recommendations, the City Council shall review the request for designation and may pass a resolution to approve the recommendations in whole

ATTACHMENT 1

or in part, or may by motion disapprove them in their entirety. Public Notice for the hearing shall be provided pursuant to Section 2(H) below. The City Council's decision shall be provided to the applicant in writing.

- (F) *Add to Register.* Properties designated by the City Council shall be added to the Auburn Register of Historic Resources by the Community Development Department. The Register shall clearly identify the designated historical resource category applied to the property.
- (G) *Recording Requirements.* All historic designations in the City of Auburn shall be officially recorded with the property deeds at the Placer County Recorder's Office. The recorded information on the property deed shall state:

"The property identified as (insert street name and address) also identified as Assessor's Parcel No. (Insert APN) was designated as a (insert designation category – Historic Building; Point of Historic Interest; Historic Land Site) by the City of Auburn City Council on (insert month, day and year). As a designated historic property in the City of Auburn, this property is subject to the rules and regulations set forth in the Historic Preservation Ordinance identified as Section 159.490 et. seq. of the Auburn Municipal Code.

- (H) *Notice of Public Hearing.* Notice of date, place, time, and purpose of hearing shall be provided in accordance with Section 159.460 et. seq., excepting that notice shall be provided to persons owning property within 100 feet of the affected property. Failure to receive notice of such hearing shall in no way effect the validity of the action taken.

Section 3 Application Information.

An application for historic designation of property shall include the following information:

- (A) A completed application form as provided by the Community Development Department.
- (B) Such additional information, as specified on forms provided by the Department, that an informed decision can be rendered using the criteria established by this resolution. The application information shall include, but not be limited to the following:
 - 1. An adequately developed historic context, including identified property type according to the Guidelines for Preservation Planning in the Secretary of the

ATTACHMENT 1

Interior's Standards and Guidelines for the Treatment of Historic Properties.

2. Sufficient information about the appearance, condition and associative values of the property to be evaluated to:

- i. Accurately locate the property;
- ii. Classify it as to historic resource type (e.g. Historic Building; Point of Historic Interest; Historic Land Site);
- iii. Compare its features or characteristics with those expected for its historic type;
- iv. Define the physical extent of the historic resource;
- v. Describe the pertinent and significant historical contexts of the historic resource;
- vi. Assess the integrity of the historic resource relative to that needed to represent the context; and,
- vii. Additional information as determined necessary by the City of Auburn.

Section 4 Criteria for Historic Resource Designation.

A historic resource may be designated on the Auburn Register if the resource meets any one of the following criteria of significance within a given historic context and retains its historical integrity.

- (A) Associated with events that made a significant contribution to the broad patterns of Auburn's History.
- (B) Associated with the lives of persons significant in Auburn's past.
- (C) Embodies the distinctive characteristics of a type, period, or method of construction; or that represents the work of a master; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction.
- (D) Has yielded, or may be likely to yield, information important to Auburn's history or prehistory.
- (E) Retains aspects of integrity such as: location, design, setting, materials, workmanship, or association.
- (F) Achieved significance within the past 50 years if it is of exceptional importance.

Section 5 Procedures to Amend or Rescind Designation of a Historic Resource.

- (A) *Grounds for Amendment or Rescission.* Historic resources may be removed from the Auburn Register of Historic Resources, or have their historic status amended, if any of the following criteria are met:

1. The resource no longer meets the criteria for listing in the Auburn Register

ATTACHMENT 1

because the qualities which caused it to be listed originally have been lost or destroyed.

2. Additional information shows that the property does not meet the Auburn Register criteria for eligibility;
3. Errors in professional judgment as to whether the property meets the criteria for eligibility have occurred;
4. Prejudicial procedural errors in the nomination or listing process have occurred.

(B) *Process to Amendment or Rescission.* Historic resources may be amended or removed from the Auburn Register by the City Council upon recommendation of the Historic Design Review Commission as follows:

1. *Application.* Application to amend or rescind a resource may be initiated by the Community Development Director, Historic Design Review Commission, City Council, or by the owner of the property. An application shall be provided pursuant to Section 3 above.
2. *Application Processing.* An application for amendment or rescission shall be processed as in Section 2, except as modified herein:
 - i. *Stay of Work.* While an application for rescission being considered by the City, no work shall be conducted that would require Historic Design Review Commission approval in accordance with Section 159.497(C)(1).
 - ii. *Amend Register.* Following determination by the City Council to amend or rescind a historic resource, the Community Development Department shall revise the Auburn Register to clearly identify the change of status for the historic resource.
 - iii. *Recording Requirements.* Following determination by the City Council to amend or rescind a historic resource, the Community Development Department shall record the appropriate documentation to change the property notification regarding the status for the historic resource.